

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

MARTHA L. FRITZ, et al.,

Plaintiffs,

v.

FRANK D. HOUSETON, et al.,

Defendants.

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CASE NO. 1: 05 CV 0939

JUDGE DONALD C. NUGENT

ORDER

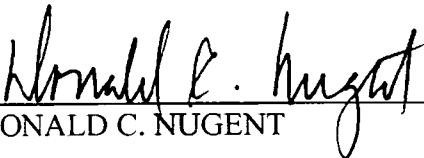
This matter is before the Court on the Motion for Partial Summary Judgment on Punitive Damages filed by Defendants Frank Houseton ("Mr. Houseton") and Whiteline Express, L.T.D. ("Whiteline"). (ECF # 24.) The Motion is hereby DENIED IN PART and GRANTED IN PART. More specifically, the Court finds that Plaintiffs have set forth sufficient evidence to create a genuine issue of material fact concerning their claim for punitive damages against Mr. Houseton, and thus DENIES Defendants' Motion as it applies to that claim.<sup>1</sup> Furthermore, because Plaintiffs have failed to set forth sufficient evidence to demonstrate that Whiteline authorized, participated in, or ratified Mr. Houseton's conduct, the Court GRANTS Defendants' Motion as it applies to Plaintiffs' claim for punitive damages against Whiteline.<sup>2</sup> Finally, given that the Court need not rely on the disputed material in reaching its decision, it DENIES Defendants' Motion to Strike the Affidavit of William H. Bartle as MOOT. (ECF # 33.)

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<sup>1</sup> Upon a proper motion made at trial, the Court may reexamine whether as a matter of law Plaintiffs have set forth sufficient evidence at that time to support a claim for punitive damages against Mr. Houseton.

<sup>2</sup> Indeed, Plaintiffs provide virtually no argument concerning the liability of Whiteline for punitive damages, aside from stating that it was Mr. Houseton's "employer at the time of the crash" and that its "DOT identification number and name" was "on the side of the truck." (ECF # 29 at 20-21.)

IT IS SO ORDERED.

  
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DONALD C. NUGENT  
United States District Judge

DATED: May 16, 2006